FOR THE RIGHTS

OF THE

PALESTINIANS

THE WORK OF THE COMMITTEE ON
THE EXERCISE OF
THE INALIENABLE RIGHTS OF THE
PALESTINIAN PEOPLE

UNITED NATIONS

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1

INTRODUCTION

INTRODUCTION

The United Nations has been concerned with the Middle East conflict, particularly the rights and status of the Palestinian people, since its earliest days. The history of the question of Palestine has been one of incremental progress, intermittent violence and long periods of stagnation. In 1975, concerned that no progress had been made towards self-determination, national independence and sovereignty for the Palestinians, the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People to recommend a solution.

Since then, the Palestinian Rights Committee, as it is commonly known, has maintained the question of Palestine in the forefront of the Organization's concerns. A year after being established, the Committee recommended to the Security Council a detailed programme for achieving Palestinian rights and resolving the question of Palestine, which it stated "is at the heart of the Middle East problem" between Israel and its Arab neighbours.

The Committee's recommendations have been repeatedly endorsed by the Assembly, but have not been acted upon by the Security Council, which has the primary responsibility in the area of international peace and security.

Meanwhile, the Committee has been mandated to continue to make efforts to bring about the exercise of Palestinian rights and to monitor the situation. Its concerns are, among other things, the establishment of settlements in the Palestinian territories occupied by Israel, the status of Jerusalem, human rights violations, humanitarian and development assistance to Palestinians and the achievement of a negotiated political solution. The Committee's activities are designed to heighten international awareness about issues relating to the problem of Palestine in order to facilitate a negotiated political settlement based on United Nations resolutions. As its functions have evolved over the years, the Committee has brought matters to the attention of the Security Council and General Assembly, held commemorative events, dispatched visiting missions to world capitals and organized seminars and symposia that bring together diplomats, scholars and activists.

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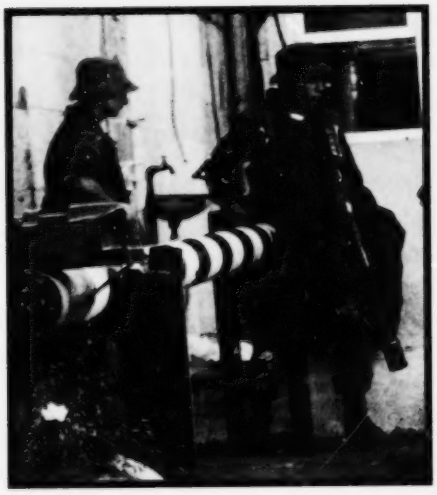

THE QUESTION OF PALESTINE

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When the Second World War ended, Palestine was a territory administered by the United Kingdom under a mandate from the League of Nations. Faced with escalating violence resulting from increasing Jewish immigration to Palestine and strong Arab opposition to such immigration, the United Kingdom brought the matter before the United Nations in 1947. The General Assembly then established a committee of 11 States to investigate all matters relating to the question of Palestine and to recommend solutions. The majority in the Committee recommended that Palestine be partitioned into an Arab State and a Jewish State, with a special international status for Jerusalem. A minority of three favoured a federated state comprising Arab and Jewish components, with Jerusalem as its capital.

THE PARTITION PLAN

After intense debate, the Assembly, in November 1947, approved the Partition Plan of the majority. The Jewish leadership accepted the Assembly's resolution 181 (II) while the Palestinian Arabs rejected it, stating their opposition to any scheme which would dissect, segregate or partition their land or give preferential treatment to a minority. Fighting erupted immediately between Arab and Jewish communities in the area.

In May 1948, the United Kingdom relinquished its mandate over Palestine and the State of Israel was proclaimed in territory identified by the Partition Plan as Jewish. Fighting continued despite the efforts of a United Nations mediator. By the time a truce called for by the Security Council came into force in July 1948, Israel controlled much of the territory allotted to the Arab State. Jordan and Egypt respectively administered the remaining portions of the West Bank and Gaza Strip.

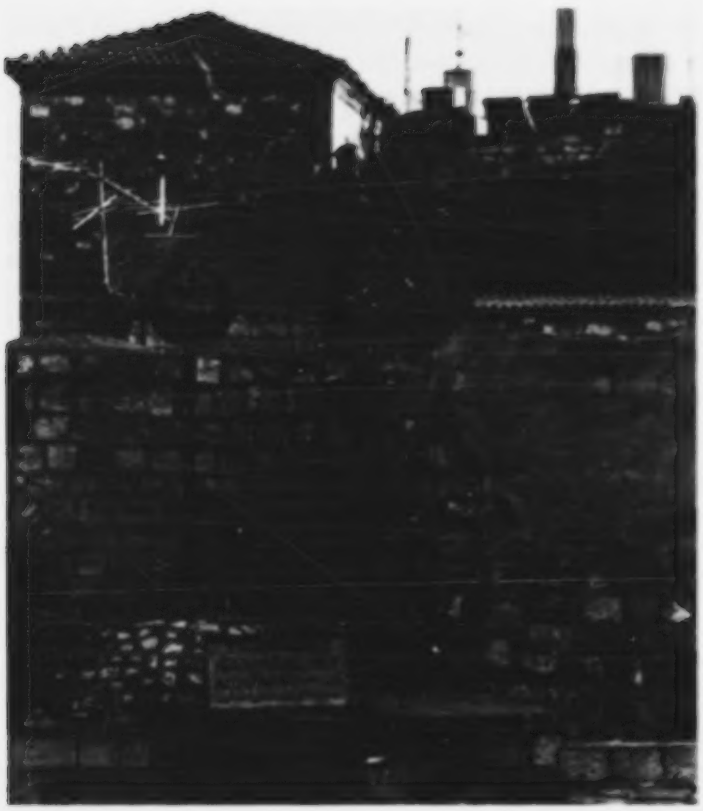
In December 1948, the Assembly declared that refugees must be permitted to return to their homes and live in peace with their neighbours, and that those choosing not to return should be compensated. Under resolution 194 (III), the Assembly also called for the demilitarization and internationalization of Jerusalem. The resolution was never implemented, but its provisions on the special status of Jerusalem and the right of Palestinian refugees to return have been reasserted by the Assembly virtually every year since 1948.

Israel was admitted into the United Nations in May 1949. Between February and July of that year, under the auspices of the United Nations, armistice agreements were signed between Israel and Egypt,

Jordan, Lebanon and Syria. The agreements accepted establishment of the armistice as an indispensable step towards the restoration of peace in Palestine.

A TURNING-POINT

The Arab-Israeli dispute simmered for the next two decades, erupting into open hostilities in 1956 and again in 1967. A turning-point in Middle Eastern affairs was reached with the Six Day War of 1967 between Israel and Egypt, Jordan and Syria. By the time a cease-fire took effect, Israel had occupied Egyptian Sinai, the Gaza Strip, the West Bank (including East Jerusalem) and part of the Syrian Golan Heights. The Security Council, in resolution 237 (1967), called upon



Israel to ensure the safety and welfare of inhabitants where military operations had taken place and to facilitate the return of displaced persons. Governments were asked to abide scrupulously by the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Later, the Council adopted resolution 242 (1967), laying down the principles for a peaceful settlement in the Middle East. It stipulated that just and lasting peace in the region should include the application of two principles: "withdrawal of Israel armed forces from territories occupied in the recent conflict", and recognition of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries.

When another Arab-Israeli war broke out in October 1973, the Council unanimously adopted resolution 338 (1973) calling for an immediate truce and asking the parties to start immediately after the cease-fire the implementation of resolution 242 (1967) "in all its parts". The Palestine Liberation Organization (PLO), joined by various Arab and other States, criticized the resolutions for reducing the Palestinian problem to a question of international charity and for having reduced Palestinians to the status of refugees without national political rights.

Following the 1967 war, the question of Palestine began to be understood in a broader political context rather than as a matter which related only to refugees. In November 1974, the Assembly reaffirmed the inalienable rights of the Palestinian people, including the right to self-determination without external interference, the right to national independence and sovereignty, and the right to return to their homes and property. Those rights, as set out in resolution 3236 (XXIX), have been reaffirmed by the Assembly every year since. That same year, the Assembly invited the PLO to participate as an observer in its proceedings. The item entitled "The question of Palestine" has remained on the Assembly's annual agenda since 1974.

An Israeli soldier keeps watch in the Old City of Jerusalem.

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THE COMMITTEE'S MANDATE AND 1976 REPORT

THE COMMITTEE'S MANDATE AND 1976 REPORT

Gravely concerned that no progress had been achieved towards the exercise by the Palestinian people of their inalienable rights, the Assembly on 10 November 1975 decided to establish the Palestinian Rights Committee with the primary mandate to make recommendations designed to fulfil those rights. Resolution 3376 (XXX), which established the Committee, was adopted in the Assembly by a vote of 93 in favour to 18 against, with 27 abstentions.

The Committee's recommendations, prepared in 1976, were divided into two parts: one concerned the Palestinians' right of return to their homes and property, and the other dealt with their right to self-determination, national independence and sovereignty. The Security Council has so far been unable to take a decision on the recommendations. The General Assembly, however, has at successive sessions since 1976 endorsed the recommendations as providing a basis for solution of the question of Palestine.

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Secretary-General Boutros Boutros-Ghali (left) addresses the Committee on the Exercise of the Inalienable Rights of the Palestinian People. In the centre is Keba Birane Ciss of Senegal, Chairman of the Committee.

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A PROGRAMME TO ACHIEVE PALESTINIAN RIGHTS

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The 1976 report of the Palestinian Rights Committee transmitted through the Secretary-General to the Security Council and subsequently to the General Assembly stated that the question of Palestine "is at the heart of the Middle East problem". In the Committee's view, no solution in the Middle East could be envisaged which did not fully take into account the aspirations of the Palestinian people. Full implementation of the legitimate and inalienable rights of the Palestinians to return to their homes and property and to achieve self-determination, national independence and sovereignty would contribute decisively to a comprehensive and final settlement of the Middle East crisis.

According to the Committee, participation of the PLO on an equal footing with other parties was indispensable in all efforts, deliberations and conferences on the Middle East which were held under the auspices of the United Nations. A fundamental principle was that acquisition of territory by force was inadmissible. There must be speedy evacuation of any territory so occupied. The Committee recommended an expanded and more influential role for the United Nations in promoting and implementing a just solution to the Palestine problem. The Security Council, in particular, should take appropriate action to facilitate the exercise by the Palestinians of their rights.

The Committee, in its report, went on to deal in two parts with the Palestinians' right of return and right to self-determination, national independence and sovereignty.

THE RIGHT OF RETURN

The natural and inalienable right of Palestinians to return to their homes was recognized by the Assembly in resolution 194 (III) and by the Security Council in its resolution 237 (1967), the Committee noted. Implementation of those resolutions was long overdue. Without prejudice to the right of all Palestinians to return to their homes, land and property, the Committee recommended two phases for orderly exercise of the right of return by Palestinians.

The first phase would involve return to their homes of Palestinians displaced by the 1967 war. The Council must request the immediate, unconditional implementation of resolution 237 (1967). Resources of the International Committee of the Red Cross (ICRC) and of the United Nations Relief and Works Agency for Palestine Refu-

gees in the Near East (UNRWA) could be employed for logistical arrangements regarding resettlement.

The second phase related to the return of Palestinians displaced between 1948 and 1967. While the first phase was being implemented, the United Nations, in cooperation with States directly involved as well as the PLO, would make the necessary arrangements to enable refugees displaced between 1948 and 1967 to exercise their right of return. Those choosing not to return would be paid just and equitable compensation.

THE RIGHT TO SELF-DETERMINATION, INDEPENDENCE AND SOVEREIGNTY

Evacuation of territories occupied by force and in violation of the United Nations Charter and resolutions was an indispensable condition for the exercise by Palestinians of their inalienable rights in Palestine, the Committee stated. Upon return of Palestinians to their homes and property and with the establishment of an independent Palestinian entity, the Palestinian people would be able to exercise its right to self-determination and to decide its form of government without external interference.

The United Nations had a historical duty to render all assistance necessary to promote the economic development and prosperity of the Palestinian entity, the Committee continued. To achieve those goals, a timetable should be established by the Security Council for

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the complete withdrawal by Israeli forces from areas occupied in 1967. Such withdrawal should be completed no later than 1 June 1977. The Council might need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal.

Israel would be forbidden by the Council from establishing new settlements in the occupied territories and be asked to withdraw from settlements established since 1967. It would also be requested to declare, pending its withdrawal from the occupied territories, its recognition of the applicability of the 1949 Geneva Convention on the Protection of Civilian Persons in Time of War. The evacuated territories would be taken over by the United Nations and subsequently handed over to the PLO as the representative of the Palestinian people. If necessary, the United Nations would assist in establishing communications between the West Bank and the Gaza Strip.

As soon as the independent Palestinian entity was established, the United Nations would make further arrangements for full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region. The Organization would provide the necessary economic and technical assistance for consolidation of the Palestinian entity.

SECURITY COUNCIL DEBATE

As the Security Council debated the recommendations, many speakers welcomed the Committee's view that the rights of the Palestinians were at the core of the Middle East problem. They welcomed what they viewed as a long-delayed change in the attitude of the United Nations towards the question which had evolved from regarding the Palestinians solely as refugees to recognition of the political essence of their situation.

A Palestinian mother with her child watches as two nurses confer at a clinic in Gaza.

Member States, including France, Italy, Japan, Sweden, the United Kingdom and the United States, while they viewed a solution to the Palestinian problem as a central factor in the Middle East situation, stressed that the solution could be achieved only within the framework of a comprehensive settlement based on negotiations between the parties concerned and taking into account the rights of all States in the region, as provided for in Security Council resolutions 242 (1967) and 338 (1973).

The observer of the PLO told the Council that the Committee had explicitly recognized that the inalienable rights of the Palestinian people could be exercised solely in Palestine and had rightly called for repatriation of the people of Palestine "who had been expelled from their national homeland". The Committee's report provided the Council with an opportunity to confront the core of the question and to begin devising appropriate measures, the observer added.

After eight meetings on the question, the Council failed to adopt a draft resolution which would have had it take note of the Committee's report and affirm the inalienable right of the Palestinian people to self-determination.

THE ASSEMBLY'S SUPPORT

Following the vote in the Council, the Palestinian Rights Committee unanimously decided to submit its recommendations to the General Assembly. It took that decision after studying observations by States which had rejected the draft resolution, and concluding that criticism had been based on considerations beyond the scope of the Committee's mandate. Speaking before the Assembly in November 1976, the Committee's Chairman, Médoune Fall (Senegal), said "the mandate of the Committee was neither to resolve the question of the Middle East nor to reaffirm the rights of Israel, but to define ways and means to ensure recognition of the inalienable rights of the Palestinian people".

Israel, which expressed its views on the whole matter during the Assembly's debate, rejected outright the Committee's recommendations. Israel said these recommendations were in conflict with Security Council resolutions and were designed only to implement political objectives of "the so-called Palestine Liberation Organization". The core of the conflict was not the issue of the Palestine Arabs, nor the territories occupied as a result of the 1967 war. It was the fact that the Arab world had not recognized Israel's right to exist. On the question of return, the Committee had dealt only with Palestine refu-

gees and totally ignored the rights of 800,000 Jews who had been forced to flee from Arab countries between 1948 and 1967 to safety in Israel. Recommendations did not stop at the 1967 lines but implied the "step-by-step truncation" of Israel until it totally disappeared. The Committee's report ignored Israel's rights and the centrality of the negotiating process in solving any conflict, Israel asserted.

The majority of the speakers in the Assembly debate commended the Committee's report and many expressed regret that the Security Council had failed to affirm the inalienable rights of the Palestinian people. They considered the Palestine question a threat to international peace and security and called on the Council to act.

At the end of the debate, in resolution 31/20, the Assembly endorsed the Committee's recommendations "as a basis for the solution of the question of Palestine". It asked the Council to consider the recommendations again as soon as possible, taking into account views expressed in the Assembly so that the necessary measures could be taken. The Assembly adopted the resolution by a vote of 90 in favour to 16 against, with 30 abstentions.

MEMBERSHIP OF THE COMMITTEE

The Palestinian Rights Committee comprises 23 members. They are: Afghanistan, Belarus, Cuba, Cyprus, Guinea, Guyana, Hungary, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Malta, Nigeria, Pakistan, Romania, Senegal, Sierra Leone, Tunisia, Turkey, Ukraine and Yugoslavia.

The following participate in the Committee as observers: Algeria, Bangladesh, Bulgaria, China, Czechoslovakia, Ecuador, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Nicaragua, Niger, Qatar, Sri Lanka, Syria, the United Arab Emirates, Viet Nam, the League of Arab States and the Organization of the Islamic Conference. Palestine, represented by the Palestine Liberation Organization (PLO), as the representative of the people directly concerned, is also an observer.

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A CONTINUING RESPONSIBILITY

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Since these recommendations were prepared in 1976, the Committee has consistently pressed for their implementation, and, every year, the General Assembly has re-endorsed the view. The Security Council met several times specifically to consider the recommendations but on each occasion was unable to agree on a course of action. The Palestine National Council, the "parliament in exile" of Palestinians, considered the Committee's report as a positive step towards achieving the rights of Palestinians. The recommendations have also been supported by, among other international groups, the Organization of the Islamic Conference, the League of Arab States and the Organization of African Unity.

With the question of Palestine still unresolved and its recommendations unimplemented, the Committee has taken on additional ongoing tasks. In response to a request by the Assembly, it is keeping "the situation in the occupied territories under constant review" and has brought to the attention of the General Assembly, the Security Council and the Secretary-General matters which, in its opinion, constitute violations by Israel of international law affecting Palestinians. For example, the Committee has expressed concern over the establishment of Israeli settlements in the occupied territories, repressive measures taken against the Palestinian people and changes brought about in the status of Jerusalem. It has spoken out against the use of firearms to deal with demonstrators, curfews and restrictions on freedom of movement and association; the continued detention of thousands of persons, the use of deportations and collective punishment and the separation of thousands of families; restrictions placed on Palestinian schools and colleges and on the health care system; and fetters imposed on the occupied territory's economic development.

Particularly since the beginning of the Palestinian *intifadah* (uprising) in December 1987 and the severe deterioration of the situation of Palestinians living under military occupation, the Committee has pressed the international community to adopt measures to ensure the international protection of Palestinians in accordance with provisions of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War. It has also made continuing efforts to promote the convening of an international peace conference in accordance with United Nations resolutions.

THE COMMITTEE'S ACTIVITIES

As part of its programme to enhance international understanding of the Palestinian question, the Committee organizes regional seminars in world capitals. It holds regional symposia and international meetings in which non-governmental organizations active in support of a just and peaceful settlement of the Middle East conflict meet to exchange information and experience and to develop joint action programmes. The United Nations Secretariat's Department of Public Information (DPI), in cooperation with the Committee, organizes national, regional and international encounters in which print, radio and television journalists are addressed by Israeli, Palestinian and other experts. Once a year, DPI takes journalists on a fact-finding mission through the Middle East. The Department's activities are designed to acquaint media representatives with the facts and developments pertaining to the question of Palestine through first-hand experience and in-depth briefings.

The seminars, symposia and encounters deal with a whole range of subjects related to the question of Palestine. Discussed are, among other things, the *intifadah*; living conditions of Palestinians in the occupied territories and in refugee camps; humanitarian and development assistance; safety and protection of Palestinians in the occupied territories; human rights; Israeli settlements; the convening of an international peace conference on the Middle East; public opinion and the question of Palestine; fairness in the media's coverage of the Middle East; the particular situation of women, children, students and others; and ways and means of mobilizing specific constituencies in the various regions in support of the United Nations objectives.

In its continuing effort to sensitize public opinion and world leaders on Palestinian issues, the Committee has sent visiting missions of its members to world capitals and participates in meetings of the Non-Aligned Movement, the Organization of the Islamic Conference, the Organization of African Unity, the Arab League and other conferences dealing with the question of Palestine.

Schoolboys are taken in for questioning by the Israeli Defence Force (IDF).

The Committee, in its effort to enhance world-wide understanding of the Palestine question, is assisted by a special unit of the United Nations Secretariat—the Palestinian Rights Division. The Division consists of a specialist political affairs staff. It services the Committee and monitors political and other developments affecting Palestinian rights, as well as preparing studies on different aspects of the question of Palestine and organizing seminars and NGO meetings on behalf of the Committee.

Every year since 1978, the Committee has observed 29 November, anniversary of the General Assembly resolution partitioning Palestine, as the International Day of Solidarity with the Palestinian People. The United Nations Offices at Geneva and Vienna and United Nations Information Centres world-wide also organize activities to mark the day.

A CHRONOLOGY OF ACTION

As the Israeli policy of establishing settlements in the occupied territories accelerated, in 1977 the Committee expressed its "extreme concern" at administrative measures announced by Israel which seemed to imply a policy aimed at permanent annexation of the territories. The Security Council in several resolutions adopted in 1979 and 1980 declared that Israel's action regarding settlements had no legal validity and constituted a serious obstacle to peace. It urged "the Government and the people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements".

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The Chairman of the Committee, Falilo Kane (Senegal), speaking before an emergency special session of the Assembly called in July 1980 amidst a highly tense situation in the occupied territories, said that no durable peace was feasible without a solution to the Palestinian problem. Security Council resolution 242 (1967) must be supplemented to include the right to self-determination, national independence and the establishment of a sovereign State in Palestine, as well as the right of the refugees to return to their homeland.

In the late 1970s, the focus of conflict in the Middle East shifted to Lebanon, where many Palestinians had fled in 1948 from the coastal areas of Palestine and in 1970 from Jordan. A civil war in 1975/1976 resulted in heavy casualties among Lebanese and Palestinians. At about that time, Israel began a series of incursions into Lebanese territory. In August 1981, at the invitation of Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), a delegation of Committee members visited Lebanon to observe at first hand the extent of damage done the previous month by Israeli air and sea attacks. While receiving the members, Mr. Arafat said that the PLO had the fullest confidence in the United Nations and wished to achieve its objectives within the Organization's framework.

The General Assembly met again in an emergency session in April 1982. The debate was opened by the Chairman of the Committee, Massamba Sarré (Senegal), who spoke of the need to defuse a dangerous situation in a troubled region by ensuring that the people of Palestine achieved their inalienable rights. Israel seemed to be stepping up its annexation process in the West Bank and Gaza Strip. The credibility of the United Nations as far as small countries and oppressed people were concerned was at stake, he added.

With the Israeli invasion of Lebanon in June 1982, the situation deteriorated further. The Security Council then called for a truce and demanded that Israel withdraw its military forces "forthwith and unconditionally". It called for respect for Lebanon's integrity and the rights of Lebanese and Palestinian civilian populations there. However, in September, hundreds of Palestinian civilians were massacred in Sabra and Shatila refugee camps by Lebanese Christian militias which had entered West Beirut with Israeli forces.

Mr. Sarré reported to the Assembly on events in Lebanon. He said that the repression of Palestinians in the occupied territories, as well as tragic events which had taken place in Lebanon, could have been avoided if the Security Council had taken timely and positive action on the Committee's 1976 recommendations.

THE CONFERENCE ON PALESTINE

In 1982, the Committee began work as the preparatory body for the International Conference on the Question of Palestine, which was meant to ensure a universal commitment to the establishment of a Palestinian State within the framework of the Committee's recommendations. The Conference was convened at Geneva in August/September 1983, with representatives of 137 States as well as the PLO taking part. It adopted a Declaration on Palestine, which established guidelines for international efforts on the question of Palestine.

Among other things, the Conference emphasized the right of the PLO to participate on an equal footing with other parties in all deliberations on the Middle East and the need to secure Israeli withdrawal from territories occupied since 1967. It also called for opposing Israeli settlements in the occupied territories and affirmed the right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, "the *sine qua non* of which is the attainment of the legitimate, inalienable rights of the Palestinian people".

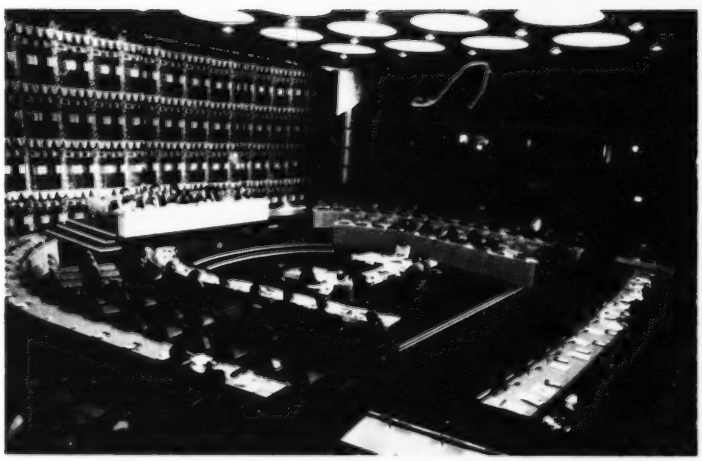
Emphasizing the "importance of the time factor in achieving a just solution to the problem of Palestine", participants in the Geneva Conference considered it essential that an International Peace Conference on the Middle East be convened under United Nations auspices with the participation on an equal footing of all parties to the Arab-Israeli conflict. In a subsequent report to the Assembly, the Committee recommended "resolute action by all nations . . . so that the present destructive momentum will be reversed". It called for concrete action to convene the International Peace Conference called for at Geneva. The Assembly, in resolution 38/58C, endorsed the call for the Conference.

In its 1987 report to the General Assembly, the Committee reaffirmed that an International Peace Conference on the Middle East was the most comprehensive and widely accepted proposal for a solution to the question of Palestine. An international consensus had emerged in favour of the Conference, and the permanent members of the Security Council must take additional constructive steps for its convening, the report added.

On 29 November 1991, the Palestinian Rights Committee observed the International Day of Solidarity with the Palestinian People. A message from Secretary-General Javier Pérez de Cuéllar said the solemn occasion highlighted the significance of the question of Palestine and reminded all, once again, of the enduring commitment of the United Nations to attainment of the inalienable rights of the Palestenian people and to a comprehensive, just and lasting settle-

ment in the Middle East. The observance was taking place in the light of the historic Middle East peace conference, which was held at Madrid from 30 October through 1 November 1991, and an initial round of bilateral discussions between the parties. One needed only recall circumstances prevailing in the region the previous year at that time to recognize the extent to which prospects for progress in the peace process had, in the interim, been enhanced, the message added.

Absa Claude Diallo (Senegal), Chairman of the Committee, said there was an urgent need for measures to defuse the continuing tension and violence in the region, which was exacerbated by the dynamics of occupation and repression and the growing danger of extremism. Changing international circumstances, she continued, had created a positive climate in which it was increasingly recognized that military solutions were ultimately unworkable and self-defeating, and that peace and security could be achieved only if the legitimate aspirations of all the parties to a conflict were met, avoiding notions of winners and losers. She expressed the hope that "that blessed land of Palestine, the cradle of revealed religions", would once again inspire both Israelis and Palestinians to gather together at the meeting place of history.



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1988 AND THE PALESTINIAN *INTIFADAH* (UPRISING)

The Committee's 1988 report expressed alarm about the serious deterioration of the situation in the occupied territory as a result of increasing resort by Israel to armed force and "other Draconian measures" in an effort to suppress the *intifadah*, which began in early December 1987. The Committee expressed concern at the mounting casualties and suffering inflicted on the Palestinian people and warned that the action by Israel would worsen the situation, jeopardize international efforts towards a just and lasting settlement and further endanger international peace and security. It reasserted that no solution could be achieved as long as the Palestinian people was denied its inalienable rights in Palestine, including those to self-determination without external interference, to national independence and sovereignty, to return to its homes and property and to establish its own independent sovereign State, and as long as the Palestinian and other Arab territories remained occupied.

An unusually high degree of confrontation and repression had defined the day-to-day lives of Palestinians in the occupied territory since the beginning of the *intifadah*. Severe measures had been adopted by the occupation authorities. In late December 1987 the Security Council requested the Secretary-General to submit a report containing his recommendations on ways and means for ensuring the safety and protection of Palestinian civilians under Israeli occupation.

The Secretary-General's report of 21 January 1988 said that, in the long run, the only certain way of ensuring the safety and protection of the Palestinians, and of the people of Israel, was the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict acceptable to all concerned. According to that report, an urgent effort was required by the international community, led by the Security Council, to promote an effective negotiating process and to help create conditions necessary for it to succeed. The most effective way, pending a political settlement, would be for Israel to apply in full the provisions of the Fourth Geneva Convention.

A general view of the meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The report recommended that the Security Council should consider making a solemn appeal to all the High Contracting Parties to the Fourth Geneva Convention that had diplomatic relations with Israel, drawing their attention to their obligation under article 1 of the Convention to ". . . ensure respect for the present Convention in all circumstances" and urging them to use all the means at their disposal to persuade the Government of Israel to change its position regarding applicability of the Convention. Meanwhile, Israel could introduce the following measures, which were urgently needed:

(a) The dissemination of, and training of Israeli Defence Forces (IDF) personnel in, the rules of international humanitarian law (an obligation under the Convention);

(b) Orders to IDF to assist, in all circumstances, the rapid evacuation to medical care of persons wounded in disturbances, and to ensure that the efficient functioning of hospitals and their staff was not interrupted by military activity;

(c) Orders to IDF not to obstruct the delivery of essential food and medical supplies to the civilian population.

When the Security Council considered the report, the Chairman of the Committee, Massamba Sarré (Senegal), intervened in the debate on 27 January 1988. He expressed satisfaction that the report stressed the special duty of the United Nations towards the Palestinian people. Referring to the violent repression in the occupied territories, Mr. Sarré called on the Council to take measures to make Israel comply with its obligations and duties as occupying Power, under the Fourth Geneva Convention. He further called for the strengthening of humanitarian organizations in a universal effort to rehabilitate the Palestinian population, and for renewed efforts, through the Security Council, to advance a negotiating process leading to a just and lasting settlement of the Middle East problem, including the question of Palestine.

The Security Council failed to adopt a draft resolution relating to the report.

HISTORIC GENEVA MEETING

In December 1988, the General Assembly met at Geneva to consider the Question of Palestine and to provide the opportunity for Mr. Arafat to address the Assembly.

Absa Claude Diallo (Senegal), the Committee's Chairman, told the session that the convening of an International Peace Conference on the Middle East was an objective the Committee had steadfastly pursued for five years. The convening of such a Conference, she said, would safeguard for all the interested parties the possibil-

ity of participating fully in the negotiations and would, in practice, provide a just, comprehensive and lasting solution to the Middle East conflict. Turning to the security and protection of the Palestinian people, she said that could be assured only within the framework of a comprehensive settlement guaranteeing justice and respect for the rights of all the people of the region, in accordance with relevant resolutions of the United Nations. Mrs. Diallo added that the Committee was convinced that to achieve a peaceful settlement to the conflict by political means was a duty and responsibility of the United Nations and was within reach.

Addressing the session, Mr. Arafat announced the proclamation of the State of Palestine by the Palestine National Council during an extraordinary session in Algiers in November 1988 and stressed that the situation "in our Palestinian homeland can abide no further abeyance". He also presented a peace initiative for a serious effort to be made to convene, under the supervision of the Secretary-General of the United Nations, the preparatory committee of the International Peace Conference on the Middle East; for action to be taken to place occupied Palestinian land under temporary United Nations supervision with international forces deployed there to protect the people and supervise withdrawal of Israeli forces; and for the PLO to work to achieve a comprehensive settlement among parties concerned in the Arab-Israeli conflict.

On 15 December 1988, the General Assembly, by its resolution 43/177, acknowledged proclamation of the State of Palestine; affirmed the need to enable the Palestinian people to exercise sovereignty over their territory occupied since 1967; and decided that the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system, without prejudice to the observer status and functions of the PLO within the United Nations system, in conformity with relevant United Nations resolutions and practices.

The Committee in its 1989 report welcomed proclamation of the State of Palestine as "a bold and significant contribution towards the achievement of peace in the Middle East". The Committee also took note of the initiation of a dialogue between the United States and the PLO as a positive measure which contributed to redressing imbalance between the parties. It expressed the hope that the dialogue would lead to removal of obstacles to convening of the International Peace Conference on the Middle East and called for its continuation and the expansion of its political scope. The Committee considered that it was incumbent upon the Government of Israel to respond positively to the Palestinian peace initiative, which had the overwhelming support of the international community.

ACTION WITHIN THE SECURITY COUNCIL

The Committee continued to follow closely activities of the Security Council on matters relating to the Committee's mandate and participated in Council debates as necessary. On 10 February 1989, the Committee invited the Council to enter into an in-depth debate on the best means of translating into concrete reality the Palestinian peace initiative. On 6 November 1989, Mrs. Diallo, the Committee's Chairman, took part in the Council debate and stated that despite repeated protests by the international community and efforts of the United Nations and its Secretary-General, the human rights situation of Palestinians in the occupied territories had been steadily deteriorating. The Committee's concern was all the more acute since the Council had not succeeded in agreeing to measures to guarantee the security of the Palestinian civilians, in particular women and children. Mrs. Diallo appealed to the Council to become more involved in the question of Palestine and to initiate and oversee the peace process in the region, and in particular to work with the Secretary-General to organize the International Peace Conference on the Middle East in accordance with General Assembly resolution 43/176. The United Nations had more than ever before the duty and the responsibility to promote the establishment of peace and coexistence between the Palestinian and the Israeli peoples, she added.

On 15 March 1990, Mrs. Diallo stated in the Council that the Committee was deeply concerned at recent developments in Israel's settlements policy in the occupied Palestinian territory and on 5 October 1990 she expressed the Committee's deep concern at the increasing armed repression by the Israeli occupying forces. She also stated that the Council had not adopted measures to ensure the protection of Palestinians; it had not acted on the January 1988 report of the Secretary-General and had not adopted several draft resolutions proposed by the non-aligned group. Mrs. Diallo called on the Council to take steps to ensure Israel's compliance with its obligations under the Fourth Geneva Convention and to establish urgently

Palestinian mothers waiting for their children outside a police station in Jerusalem.

an appropriate system capable of ensuring the adequate protection of the Palestinian population in the occupied territory. She further urged the Council to consider the question of Palestine with the same sense of urgency and determination that it had shown in the case of the Persian Gulf crisis (since August 1990) in order to achieve a just and lasting solution to the Arab-Israeli conflict.

On 20 December 1990, the Security Council adopted resolution 681, which urged the Government of Israel to accept the *de jure* applicability of the Fourth Geneva Convention to all the territories occupied by Israel since 1967 and to abide scrupulously by provisions of the Convention; and called upon the High Contracting Parties to the Convention to ensure respect by Israel for its obligations under the Convention. The resolution also requested the Secretary-General, in cooperation with the International Committee of the Red Cross, to develop further his idea of convening a meeting of the High Contracting Parties.

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SEMINARS AND SYMPOSIA

The Committee and the Division for Palestinian Rights continued to organize regional seminars, NGO symposia and meetings.

During 1987/1988:

(a) The Latin American Regional Seminar held from 15 to 17 December 1987 considered the following topics: The International Peace Conference on the Middle East, in accordance with United Nations General Assembly resolution 38/58 C; the need for such a conference, and efforts and prospects to promote a successful outcome, and benefits thereof; the question of Palestine and Latin American/Caribbean public opinion; and the role of the PLO.

(b) Topics discussed by the European Regional Seminar held from 25 to 29 April 1988 included: the uprising in the occupied Palestinian territories and the urgency of convening the International Peace Conference on the Middle East in accordance with General Assembly resolution 38/58 C; the role of the PLO; and the question of Palestine and European public opinion.

(c) The North American Regional Seminar held on 28 and 29 June 1988 considered three items: the uprising in the occupied Palestinian territories; the urgency of convening the International Peace Conference on the Middle East in accordance with General Assembly resolution 38/58 C; and the role of the PLO.

(d) The North American Regional NGO Symposium held from 29 June to 1 July 1988 discussed: the uprising in the occupied Palestinian territories and the urgency of convening the International Peace Conference on the Middle East in accordance with General Assembly resolution 38/58 C; and implications of the United Nations resolutions affecting the promotion in the United States and the United Nations of the inalienable rights of the palestinian people.

(e) The main theme of the European Regional NGO Symposium held on 29 and 30 August 1988 was the Palestinian uprising and the European commitment to the International Peace Conference.

(f) The main theme of the international NGO meeting held from 31 August to 2 September 1988 was the consequences of the uprising in the occupied Palestinian territories and the new urgency of convening the International Peace Conference on the Middle East in accordance with United Nations General Assembly resolution 38/58 C.

In the 1988/1989 period:

(a) The African Regional Seminar held from 18 to 22 December 1988 discussed: the uprising in the occupied Palestinian territories and the urgency of convening the International Peace Conference on the Middle East in accordance with United Nations resolutions; the role of the PLO; and the mobilization of African public opinion

for the realization of the inalienable rights of the Palestinian people.

(b) Items considered by the North American Regional Seminar held on 19 and 20 June 1989 were: the urgency of convening the International Peace Conference on the Middle East; the *intifadah* in the occupied Palestinian territory and its impact on the achievement of a comprehensive settlement of the Middle East conflict; and the role of the PLO in the social, cultural, economic and political development of the Palestinian people.

(c) The African Regional NGO Symposium held from 18 to 21 December 1988 discussed: mobilization and networking by African non-governmental organizations to end Israeli violations of human rights of Palestinians in the occupied territories and to promote international protection for Palestinians under Israeli occupation; and activities of NGOs to mobilize further African public opinion and the relationship between the Palestinian uprising and the struggle of the peoples of Namibia and South Africa.

(d) The items discussed by the North American Regional NGO Symposium held from 21 to 23 June 1989 were: the *intifadah*—creating a new context for peace; and convening the International Peace Conference on the Middle East, in accordance with United Nations General Assembly resolution 43/176, and implications for Israel and the United States of the proclamation of the State of Palestine, the Palestinian peace initiative and the *intifadah*.

(e) The two topics considered by the European Regional NGO Symposium held on 28 and 29 August 1989 were: the dynamics of the *intifadah* and consequences for NGO activities; and the International Peace Conference on the Middle East and the implementation of Palestinian self-determination—the role of Europe.

(f) The overall theme of the International NGO meeting held from 30 August to 1 September 1989 was *intifadah*—the continuing struggle of the Palestinian people for independence.

During 1989/1990:

(a) Four items were considered jointly by the Asian Regional Seminar and NGO Symposium (held from 18 to 22 December 1989), the Latin American and Caribbean Regional Seminar and NGO Symposium (5 to 9 February 1990), and the African Regional Seminar and NGO Symposium (2 to 6 April 1990) respectively. The items were: the urgency of convening the International Peace Conference on the Middle East; the *intifadah* in the occupied Palestinian territory and its impact on the achievement of a comprehensive settlement of the Middle East conflict; the role of the PLO in the social, cultural, economic and political development of the Palestinian people; and the mobilization of public opinion in the respective regions for the realization of the inalienable rights of the Palestinian people.

(b) The European Regional Seminar held from 7 to 11 May 1990 considered: the *intifadah* and its impact on and significance for advancing towards a just solution based on the principle of two peoples, two States; breaking the impasse—the urgent need for a just and lasting settlement of the question of Palestine; the International Peace Conference and the role of Europe; and the role of the PLO in the political, economic, social and cultural development of the Palestinian people.

(c) Topics considered by the North American Regional Seminar held on 25 and 26 June 1990 were: the role of the PLO in the economic, cultural and social development of the Palestinian people, and its political programme to achieve statehood for the Palestinian people; and the *intifadah* and the urgency of convening the International Peace Conference on the Middle East.

(d) The North American Regional NGO Symposium held from 27 to 29 June 1990 discussed: breaking the impasse, moving towards Israeli-Palestinian peace and convening the International Peace Conference on the Middle East; and *intifadah* update.

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(e) Items considered by the European Regional NGO Symposium held on 27 and 28 August 1990 were: urgent priorities to stop settlements in the occupied territory and protect the Palestinian people—what can Europe and European NGOs do?; 1990: time for peace—evaluation and follow-up; and two peoples, two States—Europe's contribution to achieving peace.

(f) The theme of the International NGO Meeting held from 29 to 31 August 1990 was Palestine and Israel—prerequisites for peace.

During 1990/1991:

(a) The European Regional Seminar was held at Madrid from 27 to 30 May 1991. Participants adopted conclusions and recommendations expressing support for the Committee's objectives for a peaceful settlement of the question of Palestine, particularly through the "land for peace" formula and the "two peoples, two States" principle and the convening of the International Peace Conference on the Middle East. Participants also expressed deep concern at violations of Palestinian human rights by Israel and called for measures to be taken to ensure respect by the occupying Power for the Fourth Geneva Convention.

(b) For the first time, the North American Regional NGO Symposium, which took place at Montreal, Canada, from 28 to 30 June 1991, was held away from United Nations Headquarters to enable the Committee to reach out to a wider constituency. The Symposium's proposals included sanctions against Israel; support for the Israeli peace movement; the creation of a permanent structure to lobby the United States and Canada to accept the two-State solution; and the facilitating of a greater linkage between women in North America and Palestinian women.

(c) A declaration adopted by the European Regional NGO Symposium, held at Vienna on 26 and 27 August 1991, among other things called upon all European Governments to exercise effective political and economic measures upon Israel in order to make it respect the rights of the Palestinian people and comply with its

Israeli police checking Palestinian youths near the Damascus Gate in Jerusalem.

obligations under the Fourth Geneva Convention. It reminded all European Governments, as High Contracting Parties to the Geneva Convention, of their obligations to take measures to ensure respect for the Convention.

(d) The International NGO Meeting took place at Vienna from 28 to 30 August 1991. Participants adopted a declaration which said the question of Palestine had aquired great urgency subsequent to the Persian Gulf war. The declaration considered that the United Nations should provide immediate and sustained protection for Palestinians under occupation, and that the Security Council establish in East Jerusalem an authority responsible for the monitoring of human rights violations in contradiction with the Fourth Geneva Convention.

In 1992 the Asian Regional Seminar was held jointly with the Asian NGO Symposium at Nicosia from 20 to 24 January 1992. A declaration adopted by NGOs participating in the Symposium called on all Governments of Asia and the Pacific region which had not already done so to recognize the State of Palestine without delay.

FORUMS FOR DISCUSSION

Seminars and NGO symposia organized by the Palestinian Rights Committee have long been the forums for discussion of various aspects of the question of Palestine, including the inalienable rights of the Palestinian people, the role of the PLO, human rights, social and economic issues related to occupation and the need to convene an international peace conference on the Middle East. The meetings are organized in different regions of the world on a rotating basis. They are attended by Government representatives, parliamentarians, political personalities, scholars and activists. Since December 1987, discussion during the meetings has focused on implications of the Palestinian *intifadah* in the West Bank and Gaza Strip, the need to ensure international protection of Palestinians living under occupation and ways to promote a peaceful settlement.

The regional event organized by the Committee—held at Nicosia from 20 to 24 January 1992—brought together experts and activists from Asia and elsewhere to discuss the evolving situation in the West Bank and Gaza Strip. In a statement to the participants, Under-Secretary-General Ronald Spiers, the representative of the Secretary-General of the United Nations, said it was in the overwhelming interest not only of the parties directly involved in the dispute but of all nations and people of the world to take a great step forward in reaching mutually satisfactory arrangements for the troubled region of the Middle East.

The Committee's Chairman, Kéba Birane Cissé (Senegal), said the road ahead was still extremely long and fraught with difficulties. Deep fear and mutual suspicion engendered by 44 years of conflict would not be easily overcome.

A message from Yasser Arafat, Chairman of the Executive Committee of the PLO, said the Palestinian people would continue its just struggle and the *intifadah*, which had been endorsed by numerous United Nations resolutions as a manifestation of its legitimate resistance to foreign occupation.

Muhammad Hallaj (Palestine), Executive Director of the Jerusalem Fund, Washington, D.C., and Director of the Center for Policy Analysis on Palestine, pointed out that denial of self-government to the Palestinian people had nothing to do with their fitness for self-government. Such denial had resulted from subordinating their national rights to the needs and interests of others.

He Yafei (China), Chief of Division in the Ministry of Foreign Affairs, said that the continuing Arab-Israeli conflict not only had an impact on peace and tranquillity in the region but also posed a serious threat to stability and development in the world.

Hashim Mahamid (Israel), member of the Knesset, emphasized that there was no solution to the conflict without establishing a free Palestinian State. Any regional arrangements between Israel and any of the Arab States which did not take into consideration the legitimate national rights of the Palestinian people would not lead to any peace.

Ron Macintyre (New Zealand), Senior Lecturer at the University of Canterbury, suggested that the concept of resettlement of refugees need not be negative if linked to the principle of self-determination in the occupied territory.

Yael Dayan (Israel), journalist and author, said polls showed that 70 per cent of the Israeli population favoured the exchange of land for peace. While there was still fear of an independent Palestinian State, there was acceptance of the idea of some kind of confederated State.

A. H. Rizavi (India), Vice-President of the Indo-Arab Society, said history showed that artificial partitions led only to untold miseries and to the heightening of mutual mistrust.

Ryoji Tateyama (Japan), Deputy Chief Economist at the Institute of Middle Eastern Economics, said the international community should extend financial aid and technological assistance to the Palestinians in order to develop the economic and social infrastructure in the occupied territories.

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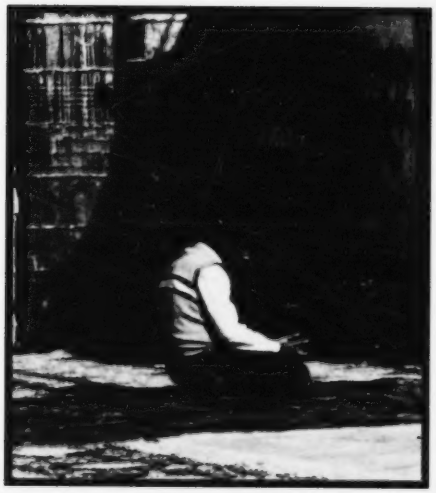


PEACE

CONFERENCE

PEACE CONFERENCE

Since 1983, the General Assembly has repeatedly urged the convening of an International Peace Conference on the Middle East under the auspices of the United Nations. Similarly, the Assembly has repeatedly requested the Secretary-General, in consultation with the Security Council, to continue his efforts towards convening such a Conference with the participation of all parties to the Arab-Israeli conflict.

On 15 December 1988, the General Assembly, by its resolution 43/176, called for the convening of the Conference, under the auspices of the United Nations, with the participation of all parties to the conflict, including the PLO, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) and 338 (1973) and the legitimate national rights of the Palestinian people, primarily the right to self-determination.

Nevertheless, over the years the Secretary-General reported, after consultations with members of the Security Council, that insufficient agreement existed for the convening of the Conference in accordance with the guidelines established by the General Assembly.

Late in 1991, however, with the changing international political climate, the United States and the Union of Soviet Socialist Republics convened a peace conference outside the United Nations, with the stated aim of achieving a just, lasting and comprehensive peace settlement through direct negotiations along two tracks between Israel and the Arab States, and between Israel and the Palestinians. The conference opened at Madrid on 30 October 1991 with the participation of Israel, Syria, Lebanon and a joint Jordanian-Palestinian delegation.

On 11 December 1991, the General Assembly, in resolution 46/75, while reiterating its call for the convening of an International Peace Conference on the Middle East under the auspices of the United Nations, considered that such a conference would contribute to the promotion of peace in the region. The Assembly also welcomed the conference which had opened at Madrid as "a significant step towards the establishment of a comprehensive, just and lasting peace in the region".

The Palestinian Rights Committee in its 1991 report welcomed the convening of the Madrid conference. It expressed the earnest hope that such a conference would bring about a comprehensive, just and lasting solution to the question of Palestine based on internationally recognized principles and United Nations resolutions. The

Committee hoped that the role of the United Nations would be generally intensified in that process.

1992 WORK PROGRAMME

The Committee concentrated on the following priority issues in its activities in 1992:

(a) The imperative need to end human rights violations and to ensure the international protection of Palestinians in the occupied territory, including Jerusalem, in accordance with the Fourth Geneva Convention and Security Council resolutions, and the promotion of measures to be taken by the High Contracting Parties to the Convention to ensure respect for its provisions;

(b) The adverse impact of Israel's settlement policy and practice on the exercise of the inalienable rights of the Palestinian people and the achievement of a just settlement of the question of Palestine;

(c) The deteriorating economic situation of the Palestinian people and the urgent need for international assistance to promote the independent social and economic development of the occupied territory, including Jerusalem; and

(d) The promotion of a comprehensive, just and lasting peace in the region based on internationally recognized principles and United Nations resolutions, and the convening of an International Peace Conference on the Middle East under the auspices of the United Nations.

The Committee aimed at developing its role further as the United Nations organ primarily responsible for the promotion and exercise of Palestinian rights in accordance with international instruments and United Nations resolutions. It organized meetings focused on one theme in order to examine in depth each of the priority

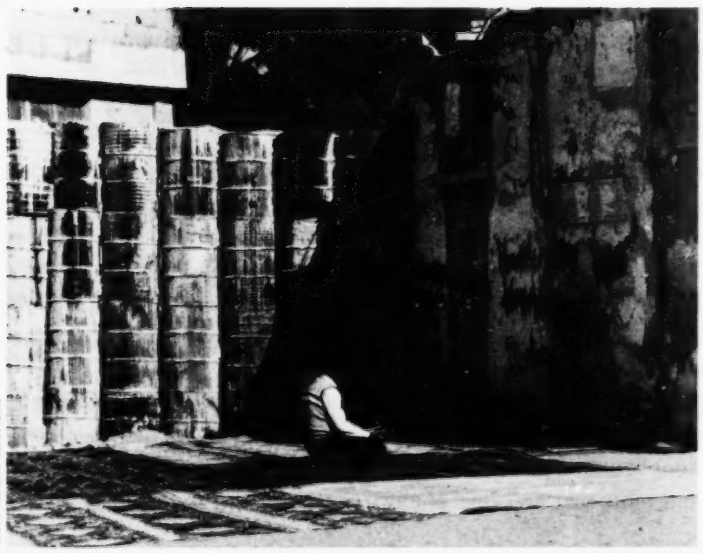
A man prays outside a mosque which has been closed by the Israeli Defence Force (IDF) as a collective punishment.

issues mentioned earlier and to exert a direct and effective influence on the course of action of Governments and intergovernmental and other bodies in that regard.

In opening the Committee's first meeting for 1992 on 15 January, Secretary-General Boutros Boutros-Ghali said he attached the utmost importance to the quest for a comprehensive settlement of the Middle East conflict, enabling the Palestinian people to exercise its inalienable rights in accordance with the general principles of international law and United Nations resolutions. The Committee was resuming its work on the basis of a mandate which was renewed with the approval of the overwhelming majority of Member States as part of the ongoing international effort, he added.

TWENTY-FIVE YEARS OF OCCUPATION

On 5 June 1992, to mark the twenty-fifth anniversary of the beginning of the Israeli occupation of the Palestinian territory of the West Bank, the Gaza Strip and East Jerusalem, the Committee's Chairman, Kéba Birane Cissé (Senegal), forwarded a letter to the Secretary-General for circulation as a General Assembly and Security Council document.



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The Chairman's letter stated that the occupation, maintained by increasingly repressive policies and practices, continued in violation of international law and Security Council resolutions and in total disregard of international efforts to achieve a just and peaceful settlement of the conflict. Israel's refusal to recognize Palestinian rights had presented an insurmountable obstacle to such efforts.

The Palestinian people had paid dearly for the occupation with loss of life, loss of land and natural resources and severe restrictions on their political, civil, economic, social and cultural rights, the letter continued. Every aspect of Palestinian life was controlled by the Israeli military authorities through some 2,000 military orders enacted during the 25 years of occupation. Human rights organizations had reported that from December 1987 (the beginning of the *intifadah*) through March 1992, at least 1,032 Palestinians had been killed, most of them by shooting, and more than 121,000 had been injured by Israeli forces.

The Committee, the letter stated, wished to draw once again the attention of the Security Council and the General Assembly to the fact that their decisions remained unimplemented and to express its extreme concern at the ongoing efforts by Israel to turn the occupation into a permanent fact. Such a development would not only be a grave injustice to the Palestinian people and a denial of its fundamental rights, it would also continue to cause persistent tension and conflict in the region and threaten the credibility of the United Nations at a time of historic importance for its efforts to create a better and more just and peaceful world for all. The international community had a duty and a responsibility to ensure that the unacceptable situation was brought to an end, the letter concluded.

The Committee's subsequent meeting in observance of the anniversary unanimously approved a statement which drew the attention of the international community to the fact that the occupation "still continues".

The continued suffering of the Palestinian people after 25 years of occupation posed an urgent imperative to the international community to take all necessary measures to ensure protection of the Palestinian people and the attainment of a just and lasting settlement based on Security Council resolutions 242 (1967) and 338 (1973), and the fundamental principle of the inadmissibility of the acquisition of territory by war.

Perpetuation of the occupation caused persistent tension and conflict in the region and "threatens the credibility of the United Nations at a time of historic importance for its efforts to create a better and more just and peaceful world for all", the statement added.

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